

BEVERAGES AND BEVERAGE MATERIALS

21451. Action to enjoin and restrain interstate shipment of adulterated beer.
U. S. v. Rubsam & Horrmann Brewing Co. Temporary injunction granted. Action subsequently discontinued. (Inj. No. 273.)

COMPLAINT FILED: December 9, 1953, Eastern District of New York, against the Rubsam & Horrmann Brewing Co., a corporation, Staten Island, N. Y.

NATURE OF CHARGE: That the defendant was engaged in the manufacture and selling of beer and had been and was, at the time of filing the complaint, causing the introduction and delivery for introduction into interstate commerce of beer which was adulterated under Section 402 (a) (3) and (4), in that it consisted in whole or in part of filthy substances by reason of its contamination with insect filth in the course of manufacture so as to result in the incorporation of soluble portions of insect filth in the finished product, and in that the beer had been and was being prepared, packed, and held under insanitary conditions at the defendant's plant whereby it may have become contaminated with filth.

The insanitary conditions in the defendant's plant resulted from and consisted of the presence of live beetles, silverfish, ants, moths, flour beetles, sawtooth grain beetles, lesser grain borer beetles, larvae, larval cast skins, pupae, cockroaches, insect fragments, clumps of insect excreta and frass, bird feathers, bird excreta, and rodent pellets in and around places in the plant where the raw materials used in the manufacture of the beer were received, conveyed, and stored; in and around equipment used for the conveyance and storage of raw materials; and in and around equipment used for manufacturing and preparing beer. The insanitary conditions resulted also from general carelessness on the part of the defendant and its employees whereby the beer prepared, packed, and held in the defendant's plant was subjected to contamination.

The complaint alleged further that the defendant had on hand at its plant approximately 1,016 barrels of adulterated beer which was to be bottled, canned, or placed in kegs and thereafter distributed, and that a substantial proportion, in the usual and ordinary course of business, would be shipped in interstate commerce, thereby constituting a menace to interstate commerce because of contamination with filth.

DISPOSITION: On December 9, 1953, an order was entered directing the defendant to show cause why a preliminary injunction should not issue. This order also enjoined the defendant from introducing or delivering for introduction into interstate commerce any of the stock of the 1,016 barrels of beer then held at the defendant's plant, until such time as a motion for a preliminary injunction had been heard.

Following correction of the objectionable conditions in the defendant's plant and destruction of the adulterated stock of beer, the court entered an order on March 17, 1954, dissolving the injunction of December 9, 1953, and ordering that the action be discontinued.

21452. Adulteration of unroasted coffee beans. U. S. v. 1,048 Bags * * *.
(F. D. C. No. 36307. Sample No. 64362-L.)

LIBEL FILED: February 10, 1954, Western District of Washington.

ALLEGED SHIPMENT: On or about July 20, 1953, by German Merino & Cia, Ltd., from Cundinamarca, Colombia.